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RICHARD W. WIEKING
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NORTHERN DISTRICT OF CALIFORNIA

HRL

11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

CV11

1055

14 MASTEROBJECTS, INC.,

15 Plaintiff,

16 v.

17 AMAZON.COM, INC.

18 Defendant.
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Case No. _____

ORIGINAL COMPLAINT AND
DEMAND FOR JURY TRIAL

1 Plaintiff MasterObjects, Inc. ("MasterObjects" or "Plaintiff") hereby files its
2 complaint against defendant Amazon.com Inc. ("Amazon" or "Defendant"), for patent
3 infringement. For its complaint, Plaintiff alleges, on personal knowledge as to its own acts
4 and on information and belief as to all other matters, as follows:

5 **PARTIES**

6 1. MasterObjects is a corporation organized under the laws of the State of
7 Delaware, with its principal place of business in San Francisco, California, prior to January 1,
8 2010, and now Maarssen, Netherlands.

9 2. Amazon is a corporation organized under the laws of the State of Delaware,
10 with its principal place of business in Seattle, Washington.

11 **JURISDICTION AND VENUE**

12 3. This complaint asserts a cause of action for patent infringement under the
13 Patent Act, 35 U.S.C. § 271. This Court has subject matter jurisdiction over this matter by
14 virtue of 28 U.S.C. § 1338(a). Venue is proper in this Court by virtue of 28 U.S.C. § 1391(b)
15 and (c) and 28 U.S.C. § 1400(b), in that Amazon may be found in this district, has committed
16 acts of infringement in this district, and a substantial part of the events giving rise to the
17 claim occurred in this district.

18 4. This Court has personal jurisdiction over Amazon because Amazon has a
19 place of business in, and provides infringing products and services in, the Northern District
20 of California.

21 **INTRADISTRICT ASSIGNMENT**

22 5. Pursuant to Civil LR 3-2(c), this case should be subject to district-wide
23 assignment because it is an Intellectual Property Action.

1 **I. STATEMENT OF FACTS**

2 **A. The Plaintiff MasterObjects and its Instant Search Technology**

3 6. From the earliest days of Internet search, the search process has been
4 hampered by what is known as the “request-response loop.” The user would type a query
5 into a static input field, click a “submit” or “search” button, wait for the query to be sent to a
6 remote database, wait for the result set to be returned to the server, wait for the server to
7 build an HTML page, wait for the page to load into the browser, and then wait for the client
8 window to be redrawn so that the result set could be viewed.
9

10 7. Inherent in the “request-response loop” is the pragmatic reality that, if the
11 result set did not match user expectations, the entire process had to be repeated, recursively,
12 until the results satisfied the user.

13 8. In 2000, Mark Smit, the founder of Plaintiff MasterObjects, invented a novel
14 approach to search, an approach that solved the “request-response loop” problem. Smit
15 envisioned a system where a dynamic and intelligent search field would immediately begin
16 submitting a search query as soon as the user began typing characters into the query field.
17 Using asynchronous communications technology, as the user typed more characters, the
18 results in the drop-down box would change dynamically, becoming increasingly relevant as
19 the string of characters lengthened. In essence, search would become effective and granular
20 at the *character* level, not the block request *submit* level. More, this would happen real-time,
21 as the user typed in characters, and not be dependent on hitting a “search” or “submit
22 button.”
23
24

25 9. MasterObjects filed its first patent application in August 2001, “System and
26 Method for Asynchronous Client Server Session Communication.”
27
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1 10. MasterObjects filed its second patent application in 2004, as a continuation-
 2 in-part of the 2001 filing. This second application, titled "System and Method for Utilizing
 3 Asynchronous Client Server Communications Objects," issued as U.S. Patent No. 7,752,326
 4 in July 2010 ("326" or "instant search").

5 11. The '326 Abstract summarizes the invention as follows:

6 A session-based client-server asynchronous information
 7 search and retrieval system for sending character-by-
 8 character or multi-character strings of data to an intelligent
 9 server, that can be configured to immediately analyze the
 10 lengthening string and return to the client increasingly
 11 appropriate search information. Embodiments include
 12 integration within an Internet, web or other online
 13 environment, including applications for use in interactive
 14 database searching, data entry, online searching, online
 15 purchasing, music purchasing, people-searching, and other
 16 applications. In some implementations the system may be
 17 used to provide dynamically focused suggestions, auto-
 18 completed text, or other input-related assistance, to the
 19 user.

20 12. MasterObjects' products practice the '326 patent, and MasterObjects has been
 21 selling these products from 2004 forward. MasterObjects remains a going concern today,
 22 selling products that practice its patented technology.

23 **B. The Infringing Amazon Products.**

24 13. Amazon products and technologies infringe the claims of MasterObjects' '326
 25 patent, as set out below.

26 **Amazon Search Suggestions**

27 14. Amazon's Amazon.com website is one of the world's largest online retail
 28 operations, offering a wide variety of products for sale, with delivery by physical shipment or
 download.

1 15. On information and belief, Amazon enhanced the product search capabilities
2 available at its Amazon.com website in 2008, with the introduction of “search suggestions,” a
3 feature that suggests product search queries as the user types.

4 16. Using this feature, a visitor to Amazon.com using a web browser is presented
5 with a ubiquitous search field at the top of every Amazon.com web page. As the user begins
6 typing individual characters in the search field, Amazon’s enhanced search system
7 anticipates the user’s query, and asynchronously suggests complete queries that match the
8 partial query being typed by retrieving from Amazon’s servers a set of suggested queries. As
9 the user types additional characters in the search box, the client asynchronously
10 communicates with the server, and the server returns a more focused set of potentially
11 matching queries to the user. This process continues as the user continues to type characters,
12 until a query is selected and search results are retrieved.
13

14 17. These enhancements provide numerous benefits to Amazon and its customers,
15 including speeding the search process, lessening user typing, catching mistakes mid-query,
16 and otherwise increasing user efficiency. Amazon has now extended its enhanced search
17 capabilities beyond the Amazon.com website, via browser toolbars and add-ins, and mobile
18 applications for the iPhone, Android, and Windows Phone platforms.
19

20 **COUNT I**

21 **PATENT INFRINGEMENT**
22 **(The Instant Search Patent)**

23 18. On July 6, 2010, United States Patent No. 7,752,326 (the “instant search”
24 patent) entitled “System and Method For Utilizing Asynchronous Client Server
25 Communications Objects” was duly and legally issued. A true and correct copy of the ’326
26 patent is attached as Exhibit A.
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1 19. MasterObjects is the inventor of the '326 instant search patent. The '326
2 patent has been assigned to Plaintiff. Plaintiff MasterObjects is the sole legal and rightful
3 owner of the instant search patent.

4 20. Amazon makes, uses, and sells products and technologies, including Amazon
5 search suggestions, that infringe the instant search patent, as alleged above in paragraphs 13
6 through 17 and included here by reference. This conduct constitutes infringement under 35
7 U.S.C. § 271(a).

8 21. As a result of the infringement by Amazon, Plaintiff has been damaged, and
9 will continue to be damaged, until this Defendant is enjoined from further acts of
10 infringement.

11 22. Amazon will continue to infringe unless enjoined by this Court. Plaintiff
12 faces real, substantial and irreparable damage and injury of a continuing nature from
13 infringement for which Plaintiff has no adequate remedy at law.
14

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Plaintiff prays for entry of judgment:
17

- 18 A. that the Patents-in-Suit are valid and enforceable;
19 B. that Defendant has infringed one or more claims of the Patents-in-Suit;
20 C. that Defendant account for and pay to Plaintiff all damages caused by the
21 infringement of the Patents-in-Suit, which by statute can be no less than a reasonable royalty;
22 D. that this Court issue a preliminary and final injunction enjoining Amazon, its
23 officers, agents, servants, employees and attorneys, and any other person in active concert or
24 participation with them, from continuing the acts herein complained of, and more
25 particularly, that Amazon and such other persons be permanently enjoined and restrained
26 from further infringing the instant search patent;
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1 E. that Plaintiff be granted pre-judgment and post-judgment interest on the
2 damages caused to them by reason of Defendant's infringement of the Patents-in-Suit;

3 F. that this Court require Defendant to file with this Court, within thirty (30)
4 days after entry of final judgment, a written statement under oath setting forth in detail the
5 manner in which Defendant has complied with the injunction;

6 G. that this be adjudged an exceptional case and the Plaintiff be awarded its
7 attorney's fees in this action pursuant to 35 U.S.C. § 285;

8 H. that this Court award Plaintiff its costs and disbursements in this civil
9 action, including reasonable attorney's fees; and
10

11 I. that Plaintiff be granted such other and further relief as the Court may
12 deem just and proper under the current circumstances.

13 Dated: March 7, 2011

Respectfully submitted,

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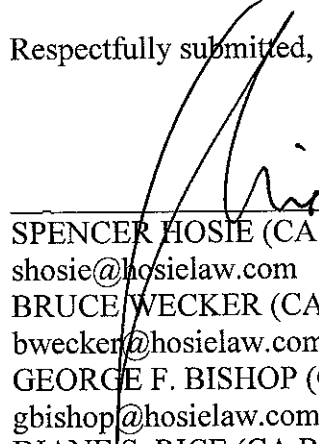
24 *Attorneys for Plaintiff*
25 *MASTEROBJECTS, INC.*
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DEMAND FOR JURY TRIAL

Plaintiff, by its undersigned attorneys, demands a trial by jury on all issues so triable.

Dated: March 7, 2011

Respectfully submitted,



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